

**Central Administrative Tribunal  
Principal Bench**

**OA No.3646/2015  
MA No.3349/2015**

New Delhi, this the 29<sup>th</sup> day of March, 2017

**Hon'ble Mr. P.K. Basu, Member (A)  
Hon'ble Dr. Brahm Avtar Agrawal, Member (J)**

1. Aarti Jain, Aged around 34 years,  
Assistant Professor (Electronics & Communication Engineering),  
[Erstwhile Lecturer (Electronics & Communication Engineering)]  
W/o Sh. Sandeep Kumar,  
R/o C-166, Divya Jyoti Apartments,  
Sector-19, Rohini,  
Delhi-110085.
2. Manisha Bharti, Aged around 33 years,  
Assistant Professor (Electronics & Communication Engineering),  
[Erstwhile Lecturer (Electronics & Communication Engineering)]  
W/o Mr. Vikas Bharti,  
R/o A-18, LIC Colony,  
Jeewan Niketan Paschim Vihar,  
Delhi-110087.
3. Sanjeev Kumar, Aged around 35 years,  
Assistant Professor (Electronics & Communication Engineering),  
[Erstwhile Lecturer (Electronics & Communication Engineering)]  
S/o Sh. Khajan Singh,  
R/o Block B1/105, Type IV,  
1<sup>st</sup> Floor, Delhi Administration Officer Flats,  
Haiderpur, Shalimar Bagh, Delhi.
4. Garima Srivastava, Aged around 39 years,  
Assistant Professor (Electronics & Communication Engineering),  
[Erstwhile Lecturer (Electronics & Communication Engineering)]  
W/o Sh. Sankalp Srivastava,  
R/o B 231, 2<sup>nd</sup> Floor, Priyadarshini Vihar,  
East Delhi.
5. Amita Jain, aged around 36 years,  
Assistant Professor (Electronics & Communication Engineering),  
[Erstwhile Lecturer (Electronics & Communication Engineering)]  
W/o Dr. Devendra Kumar Tayal,  
R/o 4647/15, Jai Mata Market,  
Trinagar, Delhi-110035.

**All the Applicants are Presently posted at :**

Ambedkar Institute of Advanced Communication  
Technologies and Research,  
Geeta Colony, Delhi-31.

..Applicants

(By Advocate : Mr. Sourabh Ahuja)

### **Versus**

1. GNCT of Delhi,  
Through its Chief Secretary,  
Delhi Sachivalaya, Players Building,  
I.P. Estate,  
New Delhi-2.
2. Principal Secretary/Secretary,  
Department of Training & Technical Education,  
GNCT of Delhi,  
Muni Maya Ram Marg,  
Pitampura, Delhi-88.
3. Principal,  
Ambedkar Institute of Advanced Communication  
Technologies and Research,  
GNCT of Delhi  
Geeta Colony, Delhi-31.
4. Head of Department/Principal (PPL),  
Ambedkar Institute of Advanced Communication  
Technologies and Research,  
GNCT of Delhi,  
Geeta Colony, Delhi-31. ...Respondents

(By Advocate : Mr. Amit Anand)

### **ORDER (ORAL)**

#### **Hon'ble Mr. P. K. Basu, Member (A) :**

Today, the matter was heard on M.A. 3349/2015 for condonation of delay. The M.A filed by the applicant is dated 09.09.2015. The reasons for delay are cited as follows :-

“8. That it is submitted without prejudice to the above mentioned pleas that there is a delay of 693 days (if any) in filing the instant OA. It is submitted that the above noted delay has so occurred for the reason that the Applicants were mislead/misguided by the respondents. It is submitted that the respondents assured the Applicants that their grievance will be redressed and they will be granted their lawful due but ultimately the respondents took a volte-face and rejected the valid claim of the Applicants vide order dated 07.07.2015.

9. That the delay of 693 days (if any) has occurred in filing the present OA but the said delay is neither deliberate nor wilful but for the reason stated herein above.”

Learned counsel further submitted that the Apex Court in catena of judgments have held that if the technical pleas and substantial

pleas are pitted against each other then the technical pleas have to make way for the substantial justice/cause.

2. Learned counsel further relied on judgment of the Hon'ble Supreme Court in **Collector, Land Acquisition, Anantnag and another, Appellants v. Mst. Katiji and others** in Civil Appeal No. 460 of 1987.

3. It would appear from the above, that the primary reason for delay cited is that the applicants were misguided by the respondents. The applicants are Lecturers. It is impossible to accept that such intelligent people are misguided by the respondents.

4. In view of the above, we are not convinced with the reasons stated in the M.A and therefore, the same is dismissed. Consequently, the O.A is also dismissed. No costs.

( Dr. Brahm Avtar Agrawal )  
Member (J)

(P.K. Basu)  
Member (A)

/Mbt/